

**REPORT OF THE AUDIT OF THE  
FORMER MARION COUNTY  
SHERIFF'S SETTLEMENT - 2010 TAXES**

**For The Period  
April 16, 2010 Through December 31, 2010**



**CRIT LUALLEN  
AUDITOR OF PUBLIC ACCOUNTS  
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**EXECUTIVE SUMMARY**

**AUDIT EXAMINATION OF THE  
FORMER MARION COUNTY  
SHERIFF'S SETTLEMENT - 2010 TAXES**

**For The Period  
April 16, 2010 Through December 31, 2010**

The Auditor of Public Accounts has completed the audit of the former Sheriff's Settlement - 2010 Taxes for the former Marion County Sheriff for the period April 16, 2010 through December 31, 2010. We have issued an unqualified opinion on the financial statement taken as a whole. Based upon the audit work performed, the financial statement is presented fairly in all material respects.

**Financial Condition:**

The former Sheriff collected taxes of \$7,870,629 for the districts for 2010 taxes, retaining commissions of \$311,833 to operate the Sheriff's office. The former Sheriff distributed taxes of \$7,510,693 to the districts for 2010 taxes. Refunds of \$181 are due to the former Sheriff from the taxing districts.

**Deposits:**

The former Sheriff's deposits as of November 4, 2010 were exposed to custodial credit risk as follows:

- Uncollateralized and Uninsured     \$1,760,600

The former Sheriff's deposits were covered by FDIC insurance and a properly executed collateral security agreement, but the bank did not adequately collateralize the former Sheriff's deposits in accordance with the security agreement.



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**CRIT LUALLEN**  
**AUDITOR OF PUBLIC ACCOUNTS**

To the People of Kentucky

Honorable Steven L. Beshear, Governor

Lori H. Flanery, Secretary

Finance and Administration Cabinet

Honorable John G. Mattingly, Marion County Judge/Executive

Honorable Carroll Kirkland, Former Marion County Sheriff

Members of the Marion County Fiscal Court

Independent Auditor's Report

We have audited the former Marion County Sheriff's Settlement - 2010 Taxes for the period April 16, 2010 through December 31, 2010. This tax settlement is the responsibility of the former Marion County Sheriff. Our responsibility is to express an opinion on this financial statement based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America, the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States, and the Audit Guide for Sheriff's Tax Settlements issued by the Auditor of Public Accounts, Commonwealth of Kentucky. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statement is free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statement. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

As described in Note 1, the Sheriff's office prepares the financial statement in accordance with the modified cash basis, which is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America.

In our opinion, the accompanying financial statement referred to above presents fairly, in all material respects, the former Marion County Sheriff's taxes charged, credited, and paid for the period April 16, 2010 through December 31, 2010, in conformity with the modified cash basis of accounting.



To the People of Kentucky

Honorable Steven L. Beshear, Governor

Lori H. Flanery, Secretary

Finance and Administration Cabinet

Honorable John G. Mattingly, Marion County Judge/Executive

Honorable Carroll Kirkland, Former Marion County Sheriff

Members of the Marion County Fiscal Court

In accordance with Government Auditing Standards, we have also issued our report dated April 29, 2011 on our consideration of the former Sheriff's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with Government Auditing Standards and should be considered in assessing the results of our audit.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Crit Luallen", with a long horizontal flourish extending to the right.

Crit Luallen

Auditor of Public Accounts

April 29, 2011



MARION COUNTY  
CARROLL KIRKLAND, FORMER SHERIFF  
SHERIFF'S SETTLEMENT - 2010 TAXES

For The Period April 16, 2010 Through December 31, 2010

<u>Charges</u>	<u>County Taxes</u>	<u>Special Taxing Districts</u>	<u>School Taxes</u>	<u>State Taxes</u>
Real Estate	\$ 710,135	\$ 924,827	\$ 4,178,237	\$ 1,007,926
Tangible Personal Property	74,594	102,858	346,281	518,170
Fire Protection	1,112			
Increases Through Exonerations	13	18	60	6
Franchise Taxes	26,594	36,265	126,777	
Distilled Spirits Taxes	58,477	69,873	271,462	
Additional Billings	165	207	947	393
Limestone, Sand and Mineral Reserves	266	346	1,564	377
Bank Franchises	62,009			
Adjusted to Sheriff's Receipt	(707)	1,931	(4,100)	(1,005)
Gross Chargeable to Sheriff	932,658	1,136,325	4,921,228	1,525,867
<u>Credits</u>				
Exonerations	827	1,087	4,717	1,498
Discounts	15,458	18,562	79,860	25,043
Transfer to Incoming Sheriff	51,756	67,375	302,896	76,370
Total Credits	68,041	87,024	387,473	102,911
Taxes Collected	864,617	1,049,301	4,533,755	1,422,956
Less: Commissions *	36,746	44,595	170,016	60,476
Taxes Due	827,871	1,004,706	4,363,739	1,362,480
Taxes Paid	823,597	999,296	4,344,445	1,343,355
Refunds (Current and Prior Year)	4,293	5,435	19,403	19,153
(Refunds Due Sheriff)		**		
as of Completion of Audit	\$ (19)	\$ (25)	\$ (109)	\$ (28)

\* and \*\* See Next Page.

The accompanying notes are an integral part of this financial statement.

MARION COUNTY  
CARROLL KIRKLAND, FORMER SHERIFF  
SHERIFF'S SETTLEMENT - 2010 TAXES  
For The Period April 16, 2010 Through December 31, 2010  
(Continued)

\* Commissions:

4.25% on \$ 3,336,874

3.75% on \$ 4,533,755

\*\* Special Taxing Districts:

Library District \$ (10)

Health District (7)

Extension District (6)

Air Board (2)

(Refunds Due Sheriff) \$ (25)

MARION COUNTY  
NOTES TO FINANCIAL STATEMENT

December 31, 2010

Note 1. Summary of Significant Accounting Policies

A. Fund Accounting

The Sheriff's office tax collection duties are limited to acting as an agent for assessed property owners and taxing districts. A fund is used to account for the collection and distribution of taxes. A fund is a separate accounting entity with a self-balancing set of accounts. Fund accounting is designed to demonstrate legal compliance and to aid financial management by segregating transactions related to certain government functions or activities.

B. Basis of Accounting

The financial statement has been prepared on a modified cash basis of accounting. Basis of accounting refers to when charges, credits, and taxes paid are reported in the settlement statement. It relates to the timing of measurements regardless of the measurement focus.

Charges are sources of revenue which are recognized in the tax period in which they become available and measurable. Credits are reductions of revenue which are recognized when there is proper authorization. Taxes paid are uses of revenue which are recognized when distributions are made to the taxing districts and others.

C. Cash and Investments

At the direction of the fiscal court, KRS 66.480 authorizes the Sheriff's office to invest in the following, including but not limited to, obligations of the United States and of its agencies and instrumentalities, obligations and contracts for future delivery or purchase of obligations backed by the full faith and credit of the United States, obligations of any corporation of the United States government, bonds or certificates of indebtedness of this state, and certificates of deposit issued by or other interest-bearing accounts of any bank or savings and loan institution which are insured by the Federal Deposit Insurance Corporation (FDIC) or which are collateralized, to the extent uninsured, by any obligation permitted by KRS 41.240(4).

Note 2. Deposits

The former Marion County Sheriff maintained deposits of public funds with depository institutions insured by the Federal Deposit Insurance Corporation (FDIC) as required by KRS 66.480(1)(d). According to KRS 41.240(4), the depository institution should pledge or provide sufficient collateral which, together with FDIC insurance, equals or exceeds the amount of public funds on deposit at all times. In order to be valid against the FDIC in the event of failure or insolvency of the depository institution, this pledge or provision of collateral should be evidenced by an agreement between the Sheriff and the depository institution, signed by both parties, that is (a) in writing, (b) approved by the board of directors of the depository institution or its loan committee, which approval must be reflected in the minutes of the board or committee, and (c) an official record of the depository institution.

MARION COUNTY  
NOTES TO FINANCIAL STATEMENT  
December 31, 2010  
(Continued)

Note 2. Deposits (Continued)

Custodial Credit Risk - Deposits

Custodial credit risk is the risk that in the event of a depository institution failure, the Sheriff's deposits may not be returned. The former Sheriff did not have a deposit policy for custodial credit risk but rather followed the requirements of KRS 41.240(4). As of December 31, 2010, all deposits were covered by FDIC insurance or a properly executed collateral security agreement. However, as of November 4, 2010, public funds were exposed to custodial credit risk because the bank did not adequately collateralize the former Sheriff's deposits in accordance with the security agreement.

- Uncollateralized and Uninsured     \$1,760,600

Note 3. Tax Collection Period

The real and personal property tax assessments were levied as of January 1, 2010. Property taxes were billed to finance governmental services for the year ended June 30, 2011. Liens are effective when the tax bills become delinquent. The collection period for these assessments was September 27, 2010 through December 31, 2010.

Note 4. Interest Income

The former Marion County Sheriff earned \$1,606 as interest income on 2010 taxes. The former Sheriff distributed the appropriate amount to the school district as required by statute, and the remainder was used to operate the former Sheriff's office.

REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND  
ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF THE FINANCIAL  
STATEMENTS PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS





**CRIT LUALLEN**  
**AUDITOR OF PUBLIC ACCOUNTS**

The Honorable John G. Mattingly, Marion County Judge/Executive  
Honorable Carroll Kirkland, Former Marion County Sheriff  
Members of the Marion County Fiscal Court

**Report On Internal Control Over Financial Reporting And On  
Compliance And Other Matters Based On An Audit Of The Financial  
Statement Performed In Accordance With Government Auditing Standards**

We have audited the former Marion County Sheriff's Settlement - 2010 Taxes for the period April 16, 2010 through December 31, 2010, and have issued our report thereon dated April 29, 2011. The Sheriff prepares his financial statement in accordance with a basis of accounting other than generally accepted accounting principles. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States.

**Internal Control Over Financial Reporting**

In planning and performing our audit, we considered the former Marion County Sheriff's internal control over financial reporting as a basis for designing our auditing procedures for the purpose of expressing our opinion on the financial statement, but not for the purpose of expressing an opinion on the effectiveness of the former Sheriff's internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of the former Sheriff's internal control over financial reporting.

*A deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. *A material weakness* is a deficiency, or combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis.

Our consideration of internal control over financial reporting was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over financial reporting that might be deficiencies, significant deficiencies or material weaknesses. We did not identify any deficiencies in internal control over financial reporting that we consider to be material weaknesses, as defined above.



Report On Internal Control Over Financial Reporting And On  
Compliance And Other Matters Based On An Audit Of The Financial  
Statement Performed In Accordance With Government Auditing Standards  
(Continued)

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the former Marion County Sheriff's Settlement - 2010 Taxes for the period April 16, 2010 through December 31, 2010, is free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under Government Auditing Standards.

This report is intended solely for the information and use of management, the Marion County Fiscal Court, and the Department for Local Government and is not intended to be and should not be used by anyone other than these specified parties.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Crit Luallen', with a long horizontal flourish extending to the right.

Crit Luallen  
Auditor of Public Accounts

April 29, 2011



